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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,580	03/08/2000	ANDREW E FANO	ANDIP529	1890

29838 7590 06/16/2004

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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

24

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/520,580

Applicant(s)

FANO ET AL.

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 18 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 18 is/are allowed.
- 6) ☒ Claim(s) 20-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

This communication is responsive to Amendment D, Filed 03/19/04.

Claims 9, 18 and 20-30 are pending in this application. In the Amendment C, claims 20-30 were amended. This action is made Final.

Information Disclosure Statement

The Dayco statement regarding related applications in the information disclosure statement filed 12/01/03 is not proper. The applicant is required to list the serial numbers of the related applications.

Claim Rejections - 35 USC § 112

Claims 20-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 20 and 30 require “a plurality of non-temporal preferences”. However, there is a lack of written description in the specification to clearly describe the subject matter. It appears in the specification that the plurality preferences are either directly or indirectly related to time in order for a user to make financial decision by negotiating tradeoffs between various personal financial goals. The examiner assumes that the application meant “a plurality of references” and the following rejections are based on that assumption.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. (“Ferguson”, U.S. Pat. No. 6,064,984).

Per claim 20, Ferguson teaches a method for providing a user interface to enable a user to make financial decisions by negotiating tradeoffs between personal financial goals, comprising:

- (a) displaying a plurality of images in a frame, each of the images representing a goal, wherein each goal includes at least one planned user expenditure (Figs.6 and 14; each image comprises of a plan event icon with one or more additional “arms” (elements 120a, 126, and 124 as shown in Fig. 6); col. 7, line 64-67);
- (b) permitting a user to select from one of the images in the frame (col. 8, lines 47-51; col. 8, lines 60-64);;
- (c) displaying a plurality of preferences related to the goal represented by the selected image (fig. 7A-7D; col. 9, line 57-col. 10, line 10);

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(d) permitting the user to adjust at least one of the preferences (fig. 7A-7D; col. 8, lines 65-68; col. 9, line 57-col. 10, line 10); and

(e) altering the appearance of one or more of the images in the frame based on the impact of the adjusted preferences (col. 9, lines 45-56; col. 10, lines 43-51).

Per claim 21, Ferguson teaches a method as recited in claim 20 further comprising:

requesting personal information on the user, receiving the requested personal information, and generating a personal profile corresponding to the adjusted preferences and the personal information (col. 10, lines 52-68).

Per claim 22, Ferguson teaches a method as recited in claim 21 further comprising:

displaying a selectable link to a personal profile frame, and displaying the personal profile within the personal profile frame upon selection of the link (figs. 8-13; col. 10, lines 52-68; col. 11, lines 30-40).

Per claim 23, Ferguson teaches a method as recited in claim 20 further comprising:

displaying a time indicia representing a time expectation for the amount of time expected for achieving one goal represented by the selected image, permitting the user to adjust the time indicia; and displaying the effect of the adjustment (col. 9, lines 25-35; col. 9, lines 57-col. 10, lines 6).

Per claim 24, Ferguson teaches a method as recited in claim 20 further comprising:

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displaying a quality indicia representing a degree of quality for the goal represented by the selected image, permitting the user to adjust the quality indicia, and displaying the effect of the adjustment (col. 10, lines 38-51; col. 11, lines 41-61).

Per claim 25, Ferguson teaches a method as recited in claim 24 wherein an appearance of the selected image is altered in relation to the adjustment of the quality indicia with respect to quality for the goal (col. 9, lines 45-55; col. 10, lines 43-51).

Per claim 26, Ferguson teaches a method as recited in claim 20 further comprising:
displaying a degree of favoritism indicia representing the degree of favoritism between time and quality with respect to the goal represented by the selected image; and permitting the user to adjust degree of favoritism indicia (col. 10, lines 38-51; col. 11, lines 41-61).

Per claim 27, Ferguson teaches a method as recited in claim 20 further comprising:
displaying a selectable link to a financial assumptions frame, and upon selection of the link, displaying the financial assumptions frame populated by data representing financial assumptions (col. 10, lines 52-61; col. 11, lines 30-40).

Per claim 28, Ferguson teaches a method as recited in claim 20 further comprising:
displaying a summary of impacts on achieving the goals resulting from the adjusted preferences (col. 10, lines 52-62).

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Per claim 29, Ferguson teaches a method as recited in claim 20 wherein the images representing goals include at least one of: a first image representing a horse goal, a second image representing a vehicle goal, a third image representing a monthly allowance and savings goal, a fourth image representing a planned furniture expenses goal, a fifth image representing a planned appliance expenses goal, a sixth image representing a vacation goal, and a seventh image representing a children's education goal (col. 7, line 63- col. 8, line 6).

Claim 30 is rejected under the same rationale as claim 20.

Allowable Subject Matter

Claims 9 and 18 are allowed.

Response to Arguments

Applicants' arguments in the Amendment A have been fully considered but are not persuasive.

Applicant's primary argument is that Ferguson does not teach "a plurality of non-temporal preferences". However, there is a lack of written description in the specification to clearly describe the subject matter. It appears in the specification that the plurality preferences are either directly or indirectly related to time in order for a user to make financial decision by negotiating tradeoffs between various personal financial goals. The examiner assumes that the application meant "a plurality of references" and the rejections are based on that assumption as described above.

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Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

T. Vu


KRISTINE KINCAID
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